



In re application of: Mark R. Boeder

Appl. No.: 10/622,758

Filed: July 17, 2003

For: Chrysanthemum Plant Named  
'Stereophonics'

Art Unit: 1661

PTO Confirmation No.: 2451

Examiner: Unknown

Atty. Docket: 10451.0041.NPUS01

#### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying PTO Form 1449 are documents and information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of the documents are enclosed.

Enclosed is a copy of published U.S. Plant Patent Application No. US 2002/0129416 P1 entitled Chrysanthemum Plant Named 'Cool Time.' The 'Cool Time' variety is discussed in the Brief Summary of the Invention in the instant application.

Also enclosed is a copy of a Pot Chrysanthemum Catalog 2002 from Van Zanten North America, first published in October 2001, which lists the variety 'Cool Time' as an offering. See pages 6 and 4 (color photograph). Further enclosed are copies of Ficor catalogs for 1999 through 2002 that list the 'Cool Time' variety. See, e.g., pages 4 and 9 of the 2002 Ficor catalog.

This U.S. plant patent application claims the benefit of U.S. Provisional Application No. 60/396,825, filed July 17, 2002. With regard to the 'Stereophonics' variety that is the subject of this application, to the Applicant's knowledge, this variety has not been the subject of an application for protection in any other country, or been sold, offered for sale, or otherwise publicly disclosed or distributed, more than one year prior to the U.S. filing date for Provisional Application No. 60/396,825.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided here, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

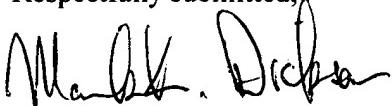
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

It is believed that this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98, and the Manual of Patent Examining Procedures § 609. If for some reason the Examiner considers otherwise, or requires additional information, Applicant requests that the Examiner call the undersigned so that any deficiencies can be remedied.

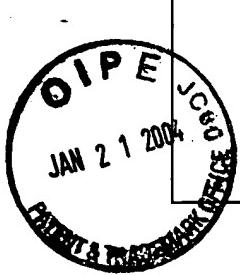
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 10451,0041.NPUS01.

Dated: January 20, 2004

Respectfully submitted,



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<b>LIST OF REFERENCES CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>		ATTY. DOCKET NO. *10451.0041.NPUS01	APPLICATION NO. *10/662,758
<b>PTO FORM 1449</b>		APPLICANT *Mark R. Boeder	
		FILING DATE *July 17, 2003	GROUP *1661

<b>U.S. PATENT DOCUMENTS</b>							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	US 2002/0129416 P1	9-12-02	Boeder	PLT/294		
	2.						
	3.						
	4.						
<b>FOREIGN PATENT DOCUMENTS</b>							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
	5.						
	6.						
	7.						
<b>OTHER REFERENCES</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>							
	8.	Pot Chrysanthemum Catalog 2002 from Van Zanten North America, first published October 2001, listing 'Cool Time' variety. See pages 6 and 4 (color photograph).					
	9.	1999 Ficor Catalog listing Chrysanthemum variety 'Cool Time.' See pages 4 and 12.					
	10.	2000 Ficor Catalog listing Chrysanthemum variety 'Cool Time.' See pages 4 and 12.					
	11.	2001 Ficor Catalog listing Chrysanthemum variety 'Cool Time.' See pages 4 and 5.					
	12.	2002 Ficor Catalog listing Chrysanthemum variety 'Cool Time.' See pages 4 and 5.					
	13.						
	14.						
	15.						
	16.						
	17.						

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;  
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.